

REMARKS

Claims 52, 65, 80 and 106 have been amended to clarify that the entirety of the anti-skinning layer is located on an internal surface of the container.

Claims 52, 65 and 106 have been amended to additionally specify that a layer of the liquid formulation is retained on the anti-skinning layer. Claims 52, 65 and 106 have also been amended to indicate that the anti-skinning layer while retaining a layer of the liquid formulation does not exclude the formulation vapor within the ullage space of the container from contacting the layer of liquid formulation that is retained on the anti-skinning layer. It is submitted that these amendments serve to overcome the objections set forth in the outstanding Action.

Objections have been maintained in view of Allbrighton to claims 52 to 54, 57, 58, 62, 64 to 68, 71, 72, 76, 77, 79, 106, 114 and 115. These objections have been maintained on the basis that the Allbrighton reference does allow vapor from the formulation to be in contact with the formulation and does not exclude the vapor. The Examiner has also understood that the anti-skinning material is located completely within the interior of the can.

In view of the amendments to claims 52 and 65 these claims now specify that the entirety of the anti-skinning layer is located on an internal surface of the container itself, that this necessarily excludes any anticipation by Allbrighton. The anti-skinning layer in Allbrighton is not located in its entirety on the internal surface of the container itself, but rather it is floating on the formulation, with a small contact region between the anti-skinning layer and the circumference of a container. In other words, the entirety of the anti-skinning layer is not located on an internal surface of the container.

Furthermore, the actual ullage space of the container and the vapor or air that is within that ullage space is excluded from contact with the liquid formulation because of the way the

anti-skinning insert floats on the surface of the paint. Accordingly, it is submitted that the amendments made to claims 52, 65 and 106 overcame the objection in view of the teaching of Allbrighton. Applicant respectfully points out that the ullage space is the space in the container which does not contain the formulation, in other words it is the amount by which the container falls short of being full. Support for this term is provided on page 8 of the specification.

In paragraph 6 of the Action, it seems that air from the outside environment is prevented from contacting the surface of the paint. The words “outside environment” to mean the ullage space of the container.

Graham U.S. Patent No. 4,691,383 has been cited as anticipating claims 52 to 55, 64 to 69, 106 and 112.

It is again submitted that Graham discloses an anti-skinning layer which rests on the surface of the liquid formulation. The anti-skinning layer itself is not located in its entirety on an internal surface of the container and again only contacts the internal circumference of the container.

It is therefore believed that the restriction to claims 52 and 65 to specify that the anti-skinning layer is located in its entirety on an internal surface of the container overcomes the anticipation rejection citing Graham.

Claims 56, 70, 107, 108, 110, 111, 113 and 118 have been rejected to as being obvious in view of Allbrighton and in view of Merritt. Allbrighton has been distinguished above.

Applicant states that Merritt, while providing a plastic bag that drapes over the internal surface of the container, also provides a cover that floats on the surface of the formulation. The cover that sits on the formulation of the container is also an anti-skinning layer and it excludes any contact of the paint formulation from the paper or air that is in the ullage space of the container.

Accordingly, it is submitted that the combination of Allbrighton and Merritt together do not serve to render the claimed invention as claimed as all of the limitations are not met by any one of these references taken alone. If combination were permissible, it is submitted that the combination would not render the claimed invention as not all of the elements are disclosed.

New objections are raised citing Hamada, U.S. Patent No. 4,347,948 rejecting claims 59, 61, 73 and 75 in view of Allbrighton concluding that these claims were obvious.

Hamada essentially teaches a plastic lining that lines a drum to exclude contamination between the drum or container surface and the contents of the product held within the container.

In view of the distinguishing comments set forth hereinabove to overcome the objections to Albrighton, it is submitted that combination of Allbrighton with Hamada does not render the invention as claimed obvious as all of the elements of claims 59, 61, 73 and 75 are not met in light of the combination of Allbrighton and Hamada.

Further objection is raised to claims 60, 74, 80, 81, 84 and 117 as being rendered obvious in view of Allbrighton and Burke et al., U.S. patent 4,625,883.

The distinguishing comments citing Allbrighton are reiterated. Burke is submitted to teach an insert that floats on the paint formulation itself. The insert only contacts the internal surface of the container around its circumference at one point. The insert is not located entirely on the internal surface of the container and the bulk of the anti-skinning layer is in fact on the paint formulation surface. The nature of the insert is such that the insert excludes any possibility of any paint that is retained on the underside of the insert actually contacting the formulation vapor within the ullage space of the container above the insert.

This is in contrast with the present claims which incorporate amendments clarifying that the formulation vapor is within the ullage space of the container and also that the anti-skinning

layer is located entirely on the internal surface of the container. For these reasons, it is concluded that this rejection must fall.

Further, in the distinguishing comments provided above, it is additionally noted that Hamada has no teaching of providing anti-skinning properties for formulations that are prone to skinning.

Claims 86 and 87 are rejected in view of Allbrighton and Gunderson, U.S. Patent No. 5,249,692.

The distinguishing feature of Allbrighton are reiterated as mentioned above. Gunderson is directed to a vapor seal for use in a container that contains a formulation such as paint. The vapor seal is used to prevent the surface of the paint being exposed to the air or vapor of the formulation within the ullage space of the container. There is clear teaching under the summary of the invention in Gunderson to this effect.

In view of the amendments to claim 65 further specifying that the formulation vapor within the ullage space is not excluded from contacting the formulation retained on the anti-skinning layer it follows that Allbrighton and Gunderson together do not render obvious the claims as amended.

Allbrighton and Merritt are cited in combination as rendering claims 116, 119 and 120 obvious. In view of all of the distinctions provided above, the combination Allbrighton with Hamada is submitted not to render claims 56, 70, 107, 108, 110, 111, 113 and 118 obvious in view of these distinctions and further in light of the amendments made to claims 52, 65 and 106.

Applicant respectfully submits that the claims have been amended to clarify that the formulation that is retained on the anti-skinning layer is not excluded from contact with the formulation vapor in the ullage space of the container.

Additionally, limitation has been introduced to specify that the anti-skinning layer is located entirely on an internal surface of the container, necessarily excluding embodiments whereby an anti-skinning layer may be floating or resting on the paint formulation itself within the container.

For all of these reasons the amended claim set is believed to be novel and unobvious in view of any of the cited references taken alone or in combination. Favorable reconsideration and an early Notice of Allowance is respectfully solicited.

Respectfully Submitted,

Date: _____

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Timothy J. Kleefer, Reg. No. 35,567

SEYFARTH SHAW LLP
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603-5803
Telephone: (312) 346-8000
Facsimile: (312) 269-8869

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